Application	and the second s	Rejection	OCESS REVIEW	
Number 09/982,587	Art Unit 1745	Mail Date 30-May-03	Examiner RUTHKOSKY, MARK	Reviewer Nguyen, Khanh
			jections Made	ga janja da
e office actio	on contains r	ejections made	under the following statute	s:
∜ 35 U.S.C. 10	02			
√ 35 U.S.C. 10	03			
35 U.S.C. 1	12, first paragr	aph, written desc	cription	
35 U.S.C. 1	12, first paragr	aph, enablement		
35 U.S.C. 1	12, second par	agraph		
35 U.S.C. 10	01 (utility)			
☐ 35 U.S.C. 10	01 ( non-statut	ory subject matte	er)	
Double Pate	enting (statuto	y, ODP)		
Other (e.g.,	Best Mode)			

		W. DR	COCIESS REVIEW	
Application Number 09/982,587	Art Unit 1745	Rejection Mail Date 30-May-03	Examiner RUTHKOSKY, MARK	Reviewer Nguyen, Khanh
			Kod Rojections	
Is there a pot propose must	ential clear d : be reasonal	error for omittin	ng a rejection? (The rejectio	ก you Yes
f yes, check al				
35 U.S.C.				
35 U.S.C.				
		graph, written de		
		graph, enableme	nτ	
	112, second p	aragraph		
35 U.S.C.		والمراجع والمساوي		
		utory subject ma	tter)	
	tenting (statut	.ory, ODP)		
: Other (e.g	., Best Mode)			

	in process; reviev	M. A.	ili ie. Ik.
Application Number	ness of 35 U.S.C 102 Rejections all 35 U.S.C 102 rejections reasonable? o indicates potential clear error) indicate the problem (check all that apply) Claimed features not found in the reference. Wrong subsection of 35 U.S.C. 102 used. Date of the reference no good. Inherency applied improperly. Improper official notice. Other oriments:  of 35 U.S.C 102 Rejections at all 35 U.S.C. 102 rejections formulated in a clear manner? or indicates potential clear error) at claim limitations matched to the art? or any statement of inherency clearly explained?  or 102 Rejection(s) That Should Mave Been Made or brief description of the proposed 35 U.S.C. 102 rejections(s) that should have been made:  or of Prior Art used in the proposed 35 U.S.C. 102 rejection(s) above record to of record (attach search logic/documentation)  East EPO West  Other West  Other  Other		
09/982,587	plication Number Rejection Mail Date Nguyen, Khanh  25 25 25 25 30-May-03 Nguyen, Khanh  25 25 25 30-May-03 Nguyen, Khanh  25 25 25 30-May-03 Nguyen, Khanh  26 25 25 30-May-03 Nguyen, Khanh  27 27 28 28 28 28 28 28 28 28 28 28 28 28 28		
	Section III: 35 U.S.C.	102	
Correctness of 35 U.S.C	102 Rejections		
		(a) (a)	•
(No indicates poten	tial clear error)	<sup>™</sup> Yes	
If no, indicate the proble	em (check all that apply)		
☐ Claimed features r	not found in the reference.		
	/ <del>-</del>		
	action Number Rejection Mail Date Reviewer 9/982,587 30-May-03 Nguyen, Khanh  Ress of 35 U.S.C 102 Rejections 30 35 U.S.C 102 Rejections reasonable? Indicates potential clear error) Indicate the problem (check all that apply) Claimed features not found in the reference.  Wrong subsection of 35 U.S.C. 102 used. Date of the reference no good. Inherency applied improperly. Improper official notice.  Other Indicates potential clear error) Idiam limitations matched to the art? In statement of inherency clearly explained?  Pyes Sometimes No No N/A  No N/A  Pyes Sometimes No N/A  No N/A  Pyes Sometimes No No N/		
	iotice.		
☐ Other			
Comments:			
	•		
Clarity of 35 U.S.C 102 R	ejections		
	<del>-</del>	er?	
	7	Rejection Mail Date 30-May-03 Nguyen, Khanh  Rejections	
Were claim limitations m	natched to the art?	© Yes ○ Sometimes ○ N	0
Was any statement of in	herency clearly explained?		
Comments:			,
SSIISC102 Rejection(s	s) That Should Have Been Made		
		ns(s) that should have been made	٠. ا
The a blief description of	The proposeds 5 of sie. 102 rejection	13(3) that should have been made	·•
Application Number Rejection Mail Date Nguyen, Khanh  Prectness of 35 U.S.C 102 Rejections Were all 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 Rejections formulated in a clear manner?  (No indicates potential clear error)  Were claim limitations matched to the art?  Was any statement of inherency clearly explained?  Comments:  S U.S.C 102 Rejection(s) That Should Mave Been Made  Give a brief description of the proposed 35 U.S.C. 102 rejections(s) that should have been made:  Origin of Prior Art used in the proposed 35 U.S.C. 102 rejection(s) above  of record  not of record (attach search logic/documentation)    East			
Application Number Rejection Mail Date Newer Nguyen, Khanh  Orrectness of 35 U.S.C 102 Rejections  Were all 35 U.S.C 102 rejections reasonable? (No indicates potential clear error)  If no, indicate the problem (check all that apply)  Claimed features not found in the reference.  Wrong subsection of 35 U.S.C. 102 used.  Date of the reference no good.  Inherency applied improperly,  Improper official notice.  Other  Comments:  Itarity of 35 U.S.C 102 Rejections  Were all 35 U.S.C. 102 rejections formulated in a clear manner? (No indicates potential clear error)  Were claim limitations matched to the art?  Was any statement of inherency clearly explained?  Comments:  5 U.S.C 102 Rejection(s) That Should Have Been Made  Give a brief description of the proposed 35 U.S.C. 102 rejections(s) that should have been made:  Origin of Prior Art used in the proposed 35 U.S.C. 102 rejection(s) above  of record  not of record (attach search logic/documentation)  East  PPO  NPL  Derwent			
Application Number Rejection Mail Date Reviewer Nguyen, Khanh    Oy982,587 30-May-03 Nguyen, Khanh			
of record			
$\square$ not of record (attach :	search logic/documentation)		
☐ East	□ EPO □	Other	]
☐ West	[] JPO	'	ĺ
니 <b>NPL</b>	Derwent	L	
Comments:			
	· <del></del>		
			11

Application Number			Reviewer
09/982,587	30-May-03	Ng	uyen, Khanh
	Section VIII.	35 U.S.C. 103	
	S.C 103 Rejections		
	3 rejections reasonable?		⊚Yes ○ No
•	e presence of a potential of	clear error	
	roblem (check all that apply)		
	es not found in the reference.	•	
☐ References not			
Date of the refe			
☐ Improper motiv			
☐ Improper Offici	expectation of success.		
☐ Other	di Nouce taken.		
Comments:			
rity of 35 U.S.C 10	)3 Rejections		
<u>-</u>	03 rejections formulated in a	clear manner?	⊚ Yes ○ No
**CIC dil 33 0.3.C. 1	os rejections formulateu in a	cical manner:	STES SIND
	tential clear error)	cica: manner:	e res e ivo
(No indicates pot			Sometimes No
(No indicates pot	tential clear error) ns matched to the art?	⊚ Yes	○ Sometimes ○ No
(No indicates pot Were claim limitation Were the differences	tential clear error) ns matched to the art?	⊚Yes ⊚Yes	
(No indicates pot Were claim limitation Were the differences Was the modification	tential clear error)  ns matched to the art?  s clearly stated?	<ul><li>⊚Yes</li><li>⊚Yes</li><li>s clearly explained</li><li>⊚Yes</li></ul>	○ Sometimes ○ No ○ Sometimes ○ No
(No indicates pot Were claim limitation Were the differences Was the modification Was the motivation/	tential clear error)  ns matched to the art?  s clearly stated?  n or combination of reference reasons for obviousness prese	<ul><li>②Yes</li><li>③Yes</li><li>s clearly explained</li><li>③Yes</li><li>ent?</li><li>③Yes</li></ul>	<ul><li>Sometimes</li><li>Sometimes</li><li>No</li><li>Sometimes</li><li>No</li><li>Sometimes</li><li>No</li></ul>
(No indicates political were claim limitation were the differences was the modification was the motivation/ Comments:  Except for the typo rejection is clear and U.S.C 103 Rejection	tential clear error)  ns matched to the art?  s clearly stated?  n or combination of reference reasons for obviousness preserves  o error which fails to identify N	©Yes ©Yes s clearly explained ©Yes ent? ©Yes Wishida is the JP 2000-02141	Sometimes No Sometimes No Sometimes No Sometimes No Sometimes No
(No indicates political were claim limitation) Were the differences was the modification was the motivation/ Comments: Except for the typo rejection is clear and u.S.C 103 Rejection is description in the comments of the co	tential clear error)  ns matched to the art?  s clearly stated?  n or combination of reference reasons for obviousness preserves  o error which fails to identify Nord complete.  con(s) That Should Have Be	©Yes ©Yes s clearly explained ©Yes ent? ©Yes Wishida is the JP 2000-02141 een Made tion(s) that should have bee	Sometimes No Sometimes No Sometimes No Sometimes No Sometimes No
Were claim limitation Were the differences Was the modification Was the motivation/ Comments:  Except for the typo rejection is clear ar  U.S.C 103 Rejection Give a brief description  Origin of Prior Art us  of record	ns matched to the art? s clearly stated? n or combination of reference reasons for obviousness prese error which fails to identify N nd complete.  on(s) That Should Have Be on of the 35 U.S.C. 103 reject	©Yes ©Yes s clearly explained ©Yes ent? ©Yes Nishida is the JP 2000-02141 een Made tion(s) that should have bee	Sometimes No Sometimes No Sometimes No Sometimes No Sometimes No
Were claim limitation Were the differences Was the modification Was the motivation/ Comments:  Except for the typo rejection is clear ar  U.S.C 103 Rejection Give a brief description  Origin of Prior Art us  of record	ns matched to the art? s clearly stated? n or combination of reference reasons for obviousness preserved of the art of the art?  That Should Have Been of the art?	©Yes ©Yes s clearly explained ©Yes ent? ©Yes Nishida is the JP 2000-02141 een Made tion(s) that should have bee	Sometimes No Sometimes No Sometimes No Sometimes No Sometimes No
Were claim limitation Were the differences Was the modification Was the motivation/ Comments:  Except for the typo rejection is clear ar  U.S.C 103 Rejection Give a brief description  Origin of Prior Art us  of record  not of record (atta	tential clear error)  Instructions matched to the art?  Is clearly stated?  In or combination of reference reasons for obviousness preserved of error which fails to identify and complete.  In on (s) That Should Have Been of the 35 U.S.C. 103 reject seed in the proposed 35 U.S.C.	©Yes ©Yes s clearly explained ©Yes ent? ©Yes Nishida is the JP 2000-02141 een Made tion(s) that should have bee	Sometimes No Sometimes No Sometimes No Sometimes No Sometimes No
Were claim limitation Were the differences Was the modification Was the motivation/ Comments: Except for the typo rejection is clear an  U.S.C 103 Rejection Give a brief description  Origin of Prior Art us  of record  not of record (atta-	tential clear error)  Ins matched to the art?  Is clearly stated?  In or combination of reference reasons for obviousness preserved of error which fails to identify and complete.  In or combination of reference reasons for obviousness preserved on the state of the	©Yes ©Yes s clearly explained ©Yes ent? ©Yes Nishida is the JP 2000-02141 een Made tion(s) that should have bee	Sometimes No Sometimes No Sometimes No Sometimes No Sometimes No

8	in process review			
Application Number	Rejection Mail Date	Reviewer		-
09/982,587	30-May-03	Nguyen, Khanl	ı	
	SECTION XI. File Wrapper	×		
Reasons for Allowance (R/	A)	<u> </u>		
Did the Examiner write a Re	easons for Allowance (R/A)?	Yes	No	° N/A
If yes,		. 55	,,,,	,
Is the R/A clear and con	nplete?	Yes	` No	
If no,				
Does the record as a wh	nole indicate a R/A was necessary?	Yes	No.	
Comments:				
		•		j
				4
				!
Interviews				
Was there an interview regardation reviewed?	arding the merits of the case relevant to the	○ Yes	No	
If yes,				
Was Summary Form PTOL-	413 completed?	🗀 Yes 🦠	No	
Is the record of the inte	rview clear and complete?	O Yes	No	
Comments:				
			<b></b>	
Claims				
Were claims treated in an in	appropriate manner on non-substantive issues	? - Yes 👵	No	
If yes,				-
Claims are present that				
claims previously withd	rawn from consideration should have been car	ncelled.		
improper dependent cla	aims were not properly treated.			
$\square$ other				
Comments:				
1				
Sequence Rules				
	nucleotide and/or amino acid sequences?	Yes °	No	
If yes,	ndla Saguanca Camplianes Issues?	**		
	ndle Sequence Compliance Issues?	Yes	No	
Comments:				

March of the second of the sec	W PROCESS REVIEW	The state of the s	- W	**. 1 tol 1 to 1	
Application Number	Rejection Mail Date	Revi			
09/982,587	30-May-03	Nguyen, Khanh			
	Section XIII. Other Issue	3	-4		
ere all claims for priority pro	operly treated?	° Yes	No	N/A	
a restriction was made, was	s it proper?	Yes	No	° N/A	
/ere all matters of substance fidavits/declarations evaluat	e in applicant's response and ted sufficiently?	Yes	No	° N/A	
ther issues?		° Yes	No		
Figure 19 should be labelled	as "Prior Art".				
					•
omments:					
					!

## IN PROCESS REVIEW **Application Number Rejection Mail Date** Reviewer 09/982,587 30-May-03 Nguyen, Khanh Section XIV: Indicia of C mmendable/Outstanding Patentability Determination: Indicia of Commendable/Outstanding The record developed by the examiner shows an indication of allowable subject matter at the Yes earliest time which is consistent with the file record and prosecution of the application. Through the rejections and arguments made by the examiner, an appropriate line of patentability Yes is established which results in amendment(s) properly limiting the scope of an applicant's claims. The search record in the application clearly shows that the examiner construes the claimed Yes subject matter in its broadest reasonable interpretation and seeks to develop prior art from the appropriate peripherally related art areas. Action Taking: Indicia of Commendable/Outstanding The statements of rejection, objection, and response to arguments clearly and concisely present the ✓ Yes positions taken or recommended in the resulting Office actions including a thorough substantive explanation to convey those positions to the applicant. The Office action usually refer an applicant's attention to relevant and helpful elements, figures, ✓ Yes and/or text upon which the Office action relies to support the position taken. The Office action indicates that the principle of compact prosecution is being fully followed. Note, ✓ Yes the principle of compact prosecution comprises conducting an initial search which is as complete as possible including consultation with an expert in the art where the examiner lacks such expertise (see search guidelines); placing art of record which meets both the concept and the wording of the claims as well as other art which is pertinent to significant though unclaimed features of the disclosed invention; and issuing a first Office action which clearly explains the examiner's position on each essential issue in such detail that absent some unexpected consideration the next Office action may be made final. Patent Examining Function: Indicia of Commendable/Outstanding Check one of the following statement if applicable: ☐ The Office action is formulated to advance the prosecution, correct other informalities, and develop a complete file wrapper record. The Office action also is such that it leaves little room for improvement. The Office action clearly and concisely presents the positions taken. ▼ The entire Office action is complete and accurate and does not require any substantial revision. The Office action effectively conveys the positions taken. Comments:

•	in process revi	₹W
Application Number 09/982,587	Rejection Mail Date 5/30/03	Reviewer Nguyen, Khanh
	Section XII. "X" Act	ions
dependent claim is no made If Yes Independent claim Dependent claim	t taught and no other appro aim(s) only	eature(s) from an independent or priate art rejection of that claim was
2- No motivation state	ment in a 103 rejection	
claim(s) would		the motivation for the independent nim(s))
☐ 3- "Shotgun" 102 or 1	03 rejection that deals with	all claims in that rejection
4- Clearly incomplete	actions including restrictions	;
	s made by applicants either	rior office action with no response to in response to the previous action's
☐ 6- A 131 or 132 affida	vit or declaration was not tr	eated
	im found during a review of er, using a 2nd pair of eyes	allowed or allowable claims, or standard
8- Either a lack of utili 112 1st	ty under 101 or lack of enat	plement or writen description under
Comments:		
		•

Application Number	Rejection Mail Date	Revie	wer		
09/982,587	30-May-03	Nguyen,	Khanh		
	Scarch				
Initial Data Capture Points					
Was art provided from an E	SS before first action?	Yes	No		
Was any IDS improperly tre	ated?	Yes	o. No	N/A	Α
Was a text search performe	d by the Examiner?	° Yes	No		
Was it non-pater	nt literature?	Yes	° No		
Is the search strategy printo	ut present?	° Yes	No	N/	Α
Was the inventorship search	ed by the Examiner?	Yes	° No		
	nas identified specific search requirements in the above requirements, were these sed with?	⁄ Yes	- No	∘ <b>N</b> //	Ά
Were foreign patent docume	ents cited by the Examiner on an 892?	9 Yes	O No		
Were NPL documents cited I	by the Examiner on an 892?	Yes	No No		
Did the Examiner perform a	new search in a 2nd/subsequent action?	Yes	i No	(g: N//	Α
Did the Examiner update all	searches in a subsequent action?	Yes	- No	• N/	Α
Did an ESS submit a new se	arch report in a 2nd/subsequent action?	Yes	√ No	N/	Α
Was there new art found by 2nd/subsequent action?	the Examiner that was applied in a	Yes	C: No	◎ N//	Α
Has a search been performe	d by the Reviewer?	Yes	° No		
Overall Rating of the Searc	h				
<u></u> Adequate					
Less than Adequate					
Comments:					
citation of the references in	onducted as evidenced by the printed searched Form 892. However, the database search has been conducted.	d logic star s not beer	tements of docume	and the nted. I	: [t's